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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: OSBAKKEN *et al.*

Serial No. 09/942,959  
Conf. No.: 7962  
Customer No.: 24961

Filed: August 31, 2001

For: AEROSOLIZED ANTI-INFECTIVES,  
ANTI-INFLAMMATORIES, AND  
DECONGESTANTS FOR THE  
TREATMENT OF SINUSITIS

Art Unit: 1614  
Examiner: Jagoe, Donna A.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.:  
EL 964455874 US  
Date of Deposit: October 16, 2003

I hereby certify that this paper and the attached papers are being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and addressed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Jonathan V. Ong

**TRANSMITTAL LETTER**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Form PTO-1449 (1 page), cited references and a check for \$180.00 for filing in connection with the above-identified application.

[ X ] The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRMAN WHITE & MCAULIFFE LLP

By:

Stephanie L. Seidman  
Registration No. 33, 779

Attorney Docket 39187-1457  
**Address all correspondence to:**  
Stephanie L. Seidman  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
4350 La Jolla Village Drive, 7th Floor  
San Diego, California 92122-1246  
Telephone: (858) 450-8400  
Facsimile: (858) 587-5360  
E-mail: sseidman@HEWM.com



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
IN ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed after receipt of a First Office Action on the merits for the above-captioned application, the filing fee of \$180 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the Form PTO-1449 is in the English language.

**U.S.S.N. 09/942,959**  
**Ozbakken et al.**  
**Supplemental IDS**

Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

\* \* \*

Applicant respectfully requests that the Examiner review the foregoing reference and information and that they be made of record in the file history of the above-captioned application.

Respectfully submitted,  
HELLER EHRMAN WHITE & MCAULIFFE LLP

By: \_\_\_\_\_

Stephanie L. Seidman  
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Attorney Docket 39187-1457  
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FORM PTO-1449  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 39187-1457	SERIAL NO. 09/942,959	CONFIRM NO. 7962
	APPLICANT Osbakken <i>et al.</i>	CUSTOMER NO. 24961	
	FILING DATE 08/31/01	GROUP 1614	

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUB CLASS	FILING DATE
	A	6	2	9	1	5	0	0		09/18/01	Ponikau	514	393	10/22/98
	B	6	5	5	5	5	6	6		04/29/03	Ponikau	514	393	05/25/01

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER								DATE	COUNTRY	Translation Yes No	

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## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.